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11
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 DONALD SHERMAN,

13 Plaintiff,

14 v.

15 HAROLD WICKHAM, in his personal
16 capacity; KIM THOMAS, in his personal
17 capacity; WILLIAM GITTERE, in his
18 personal capacity and in his official capacity as
19 Deputy Director of Operations of the Nevada
20 Department of Corrections; BRIAN
21 WILLIAMS, in his official capacity as Deputy
22 Director of Programs of the Nevada
23 Department of Corrections; WILLIAM
24 REUBART, in his personal capacity and in his
25 official capacity as Warden of Ely State
26 Prison; DAVID DRUMMOND, in his official
27 capacity as Associate Warden of Ely State
28 Prison; and TASHEENA COOKE, in her
official capacity as Associate Warden of Ely
State Prison,

Defendants.

Case No. 3:21-cv-00168-ART-CSD

ORDER GRANTING

**STIPULATION TO EXTEND
DEADLINE FOR FILING NOTICE
RELATING TO PROPOSED RELIEF
IN ACCORDANCE WITH THE
COURT'S ORDER OVERRULING
OBJECTIONS TO REPORT AND
RECOMMENDATION (DKT. NO. 80)**

(Sixth Request)

Hon. Anne R. Traum
Hon. Craig S. Denney

STIPULATION TO EXTEND DEADLINE FOR FILING NOTICE RELATING TO
PROPOSED RELIEF

On August 3, 2022, the Honorable Craig S. Denney issued a Report and Recommendation granting in part Plaintiff Donald Sherman’s Renewed Motion for Preliminary Injunction. *See* Dkt. No. 62. In that order, the Court recommended that the motion be granted and that “the parties should be directed to meet and confer regarding the specifics” of Mr. Sherman’s access to the sweat lodge, and that “[i]f the parties reach an agreement, they should be directed to file a stipulation with the court outlining their agreement within 21 days of the date of any order adopting and accepting this Report and Recommendation for the court’s approval.” *Id.* at 21.

On March 29, 2023, the Honorable Anne R. Traum issued an Order Overruling Defendants’ Objections to Magistrate Judge Denney’s Report and Recommendation. *See* Dkt. No. 80 (“Order”). In the Order, the Court ordered the parties to “meet and confer regarding the specifics of Sherman’s access to the sweat lodge,” and dictated that within 21 days of that order, the parties must file “a stipulation outlining their agreement for the Court’s approval” or a notice indicating that they cannot reach an agreement. *Id.* at 17. Following the issuance of the Court’s March 29, 2023 Order, the parties have met and conferred regarding the specifics of Mr. Sherman’s sweat lodge access, and their negotiations are ongoing.

On April 19, 2023, May 10, 2023, May 31, 2023, June 21, 2023, and July 12, 2023 the parties filed stipulations to extend the deadline for filing a notice of proposed relief relating to Mr. Sherman’s sweat lodge access. *See* Dkt. Nos. 81, 87, 90, 92, 96. The Court issued orders approving the parties’ stipulations. *See* Dkt. Nos. 82, 88, 91, 93, 97.

Since the issuance of the Order, the parties have met and conferred regarding the specifics of Mr. Sherman’s sweat lodge access. And since filing the stipulations, the parties have continued to engage in good faith negotiations, including several court-ordered mediation conferences with the Circuit Mediator for the Ninth Circuit. To permit the parties to continue conferring about Mr. Sherman’s access, the parties stipulate, subject to the Court’s approval, to extend the deadline to file a stipulation relating to Mr. Sherman’s access or a notice relating to

1 the parties' efforts by 45 days—to October 9, 2023. This is the sixth stipulation to extend the
2 deadline in the Court's March 29, 2023 Order, and is being made in the interest of conserving the
3 parties' and the Court's resources and avoiding unnecessary motion practice.

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7 Respectfully submitted,

8 Dated: August 25, 2023

O'MELVENY & MYERS LLP

9 By: /s/ Daniel J. Tully

10 Daniel J. Tully

11 *Attorneys for Plaintiff Donald Sherman*

12 Dated: August 25, 2023

LAW OFFICES OF KRISTINA
WILDEVELD & ASSOCIATES

13
14 By: /s/ Lisa A. Rasmussen

Lisa A. Rasmussen

15 *Attorney for Plaintiff Donald Sherman*

16
17 Dated: August 25, 2023

OFFICE OF THE NEVADA ATTORNEY
GENERAL

18 By: /s/ Chris W. Davis

19 Chris W. Davis

20 *Attorney for Defendants Harold Wickham et al*

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22 **IT IS SO ORDERED.**

23 Dated this 29th day of August, 2023.

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25 Honorable Anne R. Traum
26 United States District Judge
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